

TITLE 81 - JAIL STANDARDS BOARD

CHAPTER 1 - STANDARDS FOR JAIL FACILITIES - DEFINITIONS AND PURVIEW

001 It is the policy of the Jail Standards Board that the following clarification of terminology and parameters be applied in the promulgation of Standards for all jail facilities within the jurisdiction of the state of Nebraska.

002 Definitions. Except where the context otherwise provides, the following definitions shall apply:

002.01 "approved rated capacity" shall mean the number of inmates which may be housed in any cell, room unit, building, jail facility, or combination thereof. This shall not limit a facility administrator from expanding this capacity during an emergency situation.

002.02 "average daily population" shall mean the average number of inmates housed in a jail facility on any day of the year.

002.03 "design" shall mean those essential areas or features which comprise the physical layout of a jail facility. Essential areas or features shall include, but not be limited to, the following:

002.03A single occupancy cell. A room or secure space designed to house one (1) inmate.

002.03B multiple occupancy cell. A room or secure space designed to house two (2) to eight (8) inmates with a partition between the cell and dayroom space.

002.03C dayroom. That portion of the

housing unit which is separate and distinct from the cell area, but immediately adjacent and accessible therefrom.

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002.03D dormitory. A room or secure housing unit which is designed for occupancy by nine (9) or more inmates and includes both dayroom and sleeping space within the same area.

002.03E housing unit. The total living area available to a group or classification of inmates in a jail facility. This area may consist of a dormitory or a combination of the space in each cell cluster and adjacent dayroom.

002.03F isolation or administrative segregation cell. An individual housing unit designated to separate an inmate from the general inmate population.

002.03G temporary holding cell. A room or secure area designed for the temporary confinement of inmates for less than eight (8) hours, prior to housing assignment or awaiting transfer or release.

002.03H detoxification cell. A room or secure area designed for the temporary confinement of inmates who are intoxicated or under the influence of a controlled substance, and cannot be assigned to regular housing.

002.03I safety cell. A room or secure area which is padded or otherwise designed for the temporary confinement of inmates presenting an advert need for quarters which offer maximum personal safety.

002.03J minimum security. This is a custody level which describes those inmates which do not present a threat to the security of the jail or risk of escape. Dormitory housing may be utilized to house minimum security inmates.

002.04 "detention facilities" shall mean those Type III facilities used for the confinement of inmates beyond ninety-six (96) hours. Inmates held less than ninety-six (96) hours, excluding holidays and weekends, shall not be classified as being held in a detention facility even though, in fact, the facility is so qualified. Such inmates shall be subject to holding facility Standards.

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002.05 "emergency" shall mean any significant disruption or threat of disruption of normal facility procedure, policies, or activities caused by; riot, fire, earthquake, attack, strike, escape, demonstration, force majeure, or other similar disturbances.

002.06 "existing facility" shall mean any jail facility in use, or for which bids have been let, prior to the effective date of these Standards.

002.07 "facility administrator" shall mean the sheriff, chief of police, superintendent, or other individual charged by law or designated by administrative action with the operation and administration of a jail facility.

002.08 "facility employees" shall mean those custodial personnel with titles such as jailer, deputy, counselor, correctional officer, or any other title which signifies the duty of supervision of inmates in the jail facility.

002.09 "general maintenance". This term shall refer to those activities performed to keep the

jail facility in good repair and condition. This may include, but not be limited to, replacement of worn out, broken, or defective hardware, fixtures, windows, mechanical systems and structure as part of a routine maintenance program.

002.10 "governing body" shall mean any council, commission, board, or office established or delegated as a source of legislative authority to provide the fiscal needs of the facility administrator so that he may carry out the provisions of these Standards.

002.11 "he" or "his" shall be used in the generic sense relating to a specific class or group of persons. The term may refer collectively to both genders when sex is not specified.

002.12 "holding facilities" shall mean those Type I and II facilities which confine inmates for a maximum of twenty-four (24) or ninety-six (96) hours respectively. These limitations shall not include holidays or weekends.

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002.13 "inmate" shall mean any individual confined or residing in any jail facility.

002.14 "jail facility" shall mean any holding or detention facility operated by a political jurisdiction or a combination of jurisdictions for the careful keeping, rehabilitative needs of adult or juvenile criminal offenders, or those persons being detained while awaiting disposition or charges against them.

002.15 "Jail Standards Division" shall mean that division of the Nebraska Commission on Law Enforcement and Criminal Justice which provides staff support to the Jail Standards Board.

002.16 "Jail Standards Board" hereafter referred to as the "Board" shall mean that Board which was

created by the Legislature to further such policy of the state of Nebraska.

002.17 "medical authority" shall mean a person licensed to practice medicine by the state of Nebraska.

002.18 "new facility" shall mean any jail facility still in the planning stages for which the bids have not yet been let.

002.19 "ordained clergy" shall mean any priest, rabbi, or minister that has been invested officially with ministerial or priestly authority and who performs pastoral or sacerdotal function in a Christian or non-Christian religion.

002.20 "policy" shall mean a statement or plan, principle, or course of action.

002.21 "political jurisdiction or combination of political jurisdictions" shall mean a political/geographical area or combination of political/geographical areas created and authorized by the state of Nebraska to construct, maintain, or operate a jail facility.

002.22 "pre-trial detainee" shall mean any individual who is awaiting disposition of charges against him.

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002.23 "procedure" shall mean a way of doing something.

002.24 "qualified medical employee" shall mean a person who works under the supervision and authority of a medical authority.

002.25 "renovation" This term shall refer to the alteration of the structure of any jail facility, or portion thereof, for the purposes of changing or improving its function. This may include, but not be limited to, altering the physical layout

of essential areas within the facility or reconstruction of the existing structure, areas, or interior features.

002.26 "shall" is mandatory; "may" is permissive. These Standards distinguish between what is required and what is optional by the language in the text. Where these Standards use the words "shall", "must", "is required", or similar expressions, a requirement is indicated. When the words "may", "should", or "is encouraged" are used, then these Standards indicate an option, and advisory instruction, or an aspirational standard.

002.27 "Standard" shall mean a statement which describes a principle or model by which the quality and effectiveness of a facility and its maintenance, construction, or operation can be measured or evaluated.

002.28 "trained personnel" shall mean those persons who have completed or met the appropriate requirements as set forth in Chapter 2, paragraph 002.01 of these Standards.

003 Authority to Inspect. Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall have the power and authority to conduct jail inspections at any reasonable hour which they deem necessary to monitor each jail facility's compliance with these Standards.

004 Certification of Compliance. Each facility administrator shall prepare in writing and submit to the Board notification whereby compliance with these

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Standards is established. The filing of such written reports shall be within one (1) year of the initial evaluation performed by the staff. Updated notifications shall be submitted thereafter at the discretion of the Board, however, not more often than

annually. Nothing herein shall prohibit a political jurisdiction or combination of political jurisdictions operating a jail facility or facilities from adopting rules governing its own employees and facilities, provided such rules are not inconsistent with these Standards.

005 Emergency Suspension. The facility administrator shall have the power and authority to temporarily suspend any of these Standards in the event of an emergency which threatens the security, order, operation, or safety of the jail facility, facility employees, public, or inmates. Only such Standards as are directly affected by the emergency may be suspended. In no event shall the emergency continue more than thirty (30) days without the knowledge of the Chairman of the Board or the Jail Standards Division. The Chairman of the Board or the Jail Standards Division may specify a maximum time limitation after having been properly notified.

006 Temporary Population in Excess of Rated Capacity. When the average daily population of a facility constructed in conformance with Chapter 15 of these Standards becomes overcrowded, the Jail Standards Board may grant a temporary suspension of the living space requirements of Chapter 15 to allow the installation of additional beds.

006.01 Suspensions may be granted for a period of up to one (1) year. The Board may authorize a suspension beyond one year after review of progress being made to resolve the problem. Once the suspension is ended, the Board may require the additional beds to be removed.

007 Severability. If any article, section, subsection, sentence, clause or phrase of these Standards is for any reason or reasons held to be unconstitutional, contrary to statute, or exceeding the authority of the Board, then such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of these Standards.

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008 Written Policies and Procedures. Each facility administrator shall develop and implement written policies and procedures covering all areas identified in these Minimum Jail Standards.

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